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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,840	04/04/2002	Tomonori Fujisawa	K-2045	4988

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/089,840	Applicant(s) FUJISAWA ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Request for Continued Examination filed February 27, 2006 has been approved. The Amendment filed February 27, 2006 has been received. According to the Amendment, claim 3 has been canceled; claims 1, 2, 4, and 7 have been amended. Currently, claims 1, 2, 4 and 7-9 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the recited phrase "each of the subscribers" (line 3), lacks antecedent basis.

In claim 1, the recited term "the sscribers" (line 37) lacks antecedent basis.

Further, in claim 1, the recited limitation of "transferring the IP address from the IP recording section and the ID from the ID retaining section in the another of the subscribers to the server,..." (lines 27-29) is unclear.

In claim 7, the recited term "the sscribers" (line 32) lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 ,4 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunney et al. (6,446,112).

Referring to claim 1, Bunney et al. teaches a method for searching a participant or participants in an online game or online chatting, comprising: providing to each of a plurality of subscribers an ID retaining section for retaining an ID to be assigned from a network server (Fig.3), an IP recording section for temporally recording an address assigned, when connected to a network, from a provider in which each participant subscribes until connection to the network is disconnected, a transmission section to the server, and a control section connected to the ID retaining section, the IP recording section and the transmission section (9:21-34); receiving participant search information from one of subscribers in starting the online game or online chatting on a network to which a plurality of subscribers is connected with a network server as a core, said network server having a log-in monitoring section (abstract; 1:48-2:36; Fig.1); managing a channel and a relation between an ID and an IP address of all of the subscribers currently logging-in by the server; collating attribute information concerning the subscribers stored in the server to the participant search information by the server(5:3-

46); selecting another of the subscribers other than the one of the subscribers corresponding to the participant search information and also currently connected to the network by the server; distributing participant recruiting information to the another of the subscribers by the server (4:37-5:8); transferring the IP address from the IP recording section and the ID from the ID retaining section from the subscribers to the server upon acceptance to the participant recruiting information, through the transmission section; returning participant acceptance information of the another of the subscribers to the one of the subscribers by the server.

Note that, the limitations of a network terminal comprising an ID retaining section for retaining an ID assigned to the terminal from the network server, and an IP recording section for temporally recording therein an IP address assigned by a provider to which each of the plurality of network subscribers subscribes during the online mode until an operation for switching to the offline mode (disconnecting internet browser) is performed, are inherent from internet browser interface which temporarily stores browsing data and address in the terminal (1:4-39; 9:21-10:59).

Referring to claim 2, Bunney et al. teaches a participant search device used for an online game or online chatting performed on a network to which a network server and a plurality of network terminals are connected (abstract; 1:48-2:36; Fig.1), wherein each of the network terminals comprises an ID retaining section for retaining an ID to be assigned from the network server, an IP recording section for temporally recording an IP

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address assigned, when connected to the network, from a provider in which each subscriber subscribes until connection to the network is disconnected, a transmission section to the server, and a control section connected to the ID retaining section, the IP recording section and the transmission section, the IP address from the IP recording section and the ID from the ID retaining section in at least one of the subscribers being transferred to the server, upon acceptance to participant recruiting information, through the transmission section (1:4-39; 9:21-10:59), and wherein said network server comprises: a subscriber attribute information storage section for storing attribute information for network subscribers (4:31-5:46); an ID storage section for storing therein IDs of the subscribers (3:66-4:22); a participant selection section for selecting at least one of the subscribers satisfying conditions specified in a request from another of the subscribers with the attribute information stored in the subscriber attribute information storage section; a transmission section for transmitting the participant recruiting information to the at least one of the subscribers; a control section for receiving a start signal from the another of the subscribers after the another of the subscribers receives the acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and a log-in monitoring section for receiving the start signal through the transmission section of the server and for managing a relation between the ID and the IP address of all of the subscribers currently logging-in and a channel (1:4-39; 7:27-9:56).

Referring to claim 4, Bunney et al. teaches a network server having a communication server section for searching a participant or participants in an online game or online chatting, wherein the communication server section comprises: a subscriber attribute information storage section for storing therein attribute information for network subscribers (abstract; 1:48-2:36; Figs.1, 4); an ID storage section for storing therein the subscribers' IDs; a participant selection section for selecting at least one of the subscribers with the attribute information having been stored in the subscriber attribute information storage section in response to a demand from another of the subscribers; a transmission section for transmitting the participant recruiting information to the at least one of the subscribers; a control section for receiving a start signal from the another of the subscribers after the another of the subscribers receives the acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and a log-in monitoring section for receiving the start signal through the transmission section of the server and for managing a relation between the ID and the IP address of all of the subscribers currently logging-in and a channel (1:4-39; 7:27-9:56); and a log-in monitoring section for managing a relation between an ID and an IP address of all of the subscribers currently logging-in and a channel (1:4-39; 7:27-9:56).

Referring to claim 7, Bunney et al. teaches a computer program for a network server embedded in a computer readable medium for searching a participant or participants in an online game or online chatting comprising the steps of: *retaining an ID*

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to be assigned from a network server in each of subscribers, temporally recording an IP address in each of the subscribers, said IP address being assigned, when connected to a network, from a provider in which each subscriber subscribes until connection to the network is disconnected; managing a channel and a relation between an ID and an IP address of all of subscribers currently logging-in, receiving participant search information from one of the subscribers connected to a network (1:4-39; 7:27-9:56); collating the participant search information to attribute information for the network subscribers stored in the server and selecting another of the subscribers currently connected to the network; distributing participant recruiting information to the another of the subscribers (4:37-5:8); and returning participation acceptance information for the another of the subscribers having accepted the recruiting information to the one of the subscribers (4:31-5:46).

Referring to claims 8 and 9, Bunney et al. teaches said managing the channel and the relation includes managing a channel and a relation between servers (5:3-32).

Response to Arguments

Applicant's arguments filed February 27, 2006 have been fully considered but they are not persuasive.

Applicants argued that Bunney et al.'s system is different from the applicant's (applicants' remarks page 7, 2nd and 3rd paragraphs) is deemed not to be persuasive. The communication network of Bunney et al. the chat proxy 39 for IRC servers 40 provides name translation, additional security and additional services. The applicants

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are referred to the wrapper or proxy (column 10, line 60 to column 12, line 2) which has been provided manage the communication channels to enable one-to-one and many-to-many discussion or chat groups; further, different types of attributes such as chat type (on-going, periodic, temporary, fixed one-time) could be established after the user being authenticated and authorized. Thus, the chat system of Bunney et al. clearly anticipate the limitation of managing the channel and the relation between the ID and the IP address of all of the subscribers currently logging-in.

Further, Applicants argued that Bunney et al.'s system not disclosing the structure of claims 8 and 9 (applicants' remarks page 7, 4th paragraph) is deemed not to be persuasive. In the communication system of Bunney et al. the terminal server (24) is in active communication with the process servers 8 and 9, thus the communication channels between the servers must be constantly managed. Further, in order to establish the communication between the server and the subscribers, the channel and relation between the ID and the IP address must also be active. Thus, Bunney et al.'s system anticipate the claimed limitation of managing channel relation between servers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN


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TC 3700